

Superseded 7/1/2015

53-3-205.5 Fingerprint and photograph submission required for driving privilege card applicants and cardholders.

- (1)
 - (a) Every applicant for a driving privilege card shall submit fingerprints and a photograph in a sealed envelope provided by the Bureau of Criminal Identification or a law enforcement agency with the application to the division.
 - (b) A person that renews a driving privilege card shall submit fingerprints and a photograph in a sealed envelope provided by the Bureau of Criminal Identification or a law enforcement agency to the division if the person has not previously submitted fingerprints and a photograph to the division.
 - (c) The fingerprinting and photograph submission required under this Subsection (1) shall be conducted by:
 - (i) the Bureau of Criminal Identification; or
 - (ii) a law enforcement agency that has the capability of handling fingerprint and photograph submissions.
- (2) The division shall submit fingerprints for each person described in Subsection (1) to the Bureau of Criminal Identification established in Section 53-10-201.
- (3) The Bureau of Criminal Identification shall:
 - (a) check the fingerprints submitted under Subsection (1) against the applicable state and regional criminal records databases; and
 - (b) notify:
 - (i) the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security if the person has a felony in the person's criminal history record; or
 - (ii) the law enforcement agency that is directed to execute a warrant of arrest if an outstanding warrant of arrest has been issued against the person.
- (4)
 - (a) The Bureau of Criminal Identification shall maintain a separate file of fingerprints submitted under Subsection (1) and notify the following persons when a new entry is made in the applicable state and regional database against a person whose fingerprints are held in the file:
 - (i) the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security if the person is involved in an arrest under state law involving a felony; or
 - (ii) the law enforcement agency that is directed to execute a warrant of arrest if an outstanding warrant of arrest is issued against the person.
 - (b) Upon request of the agency described in Subsection (4)(a)(i), the Bureau of Criminal Identification shall inform the agency whether a person whose arrest was reported under Subsection (4)(a)(i) was subsequently convicted of the charge for which the person was arrested.
- (5) In addition to any fees imposed under this chapter, the division shall:
 - (a) impose on individuals submitting fingerprints in accordance with this section the fees that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal Identification provides under this section; and
 - (b) remit the fees collected under Subsection (5)(a) to the Bureau of Criminal Identification.